

# HOUSE BILL REPORT

## HB 1750

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### As Passed Legislature

**Title:** An act relating to filling vacancies in county sheriff offices.

**Brief Description:** Filling vacancies in county sheriff offices.

**Sponsors:** Representatives Mosbrucker and Lovick.

### Brief History:

#### Committee Activity:

Local Government: 2/12/19, 2/19/19 [DP].

#### Floor Activity:

Passed House: 2/12/20, 97-0.

Passed Senate: 2/26/20, 49-0.

Passed Legislature.

### Brief Summary of Bill

- Increases the number of persons listed on an eligibility list in which an appointing authority may use to fill a vacant position within a sheriff's office.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 7 members: Representatives Pollet, Chair; Peterson, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton, Goehner and Senn.

**Staff:** Yvonne Walker (786-7841).

### Background:

Generally, the civil service commission for county deputy sheriffs and other employees of the office of county sheriffs is comprised of three members appointed by the board of county commissioners. The commission creates rules and regulations for examinations, gives practical and competitive tests, holds and determines appeals, and maintains the eligibility list. When a vacancy occurs within a sheriff's office, it is the duty of the commission to

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certify the names of the three highest persons on the eligibility list for consideration to the appointing authority for that job class.

If there is no list available, the commission must authorize a temporary list for that job class. A temporary appointment expires after four months. However, if the commission certifies that it continues to advertise and test for the position, the authority that made the temporary appointment may extend it beyond its four-month expiration. If no list of three prospective candidates for the position can be assembled by one year after the initial temporary appointment was made, then the position may be filled from a list of less than three prospective candidates.

In addition, whenever a position in the classified service becomes vacant, the appointing authority, if it desires to fill the vacancy, must requisition the commission for the names and addresses of persons eligible. However, before a requisition can be made, the appointing authority must give employees, who are in layoff status or who have been notified of an intended layoff, an opportunity to qualify for any class within the office of the appointing authority. The commission must certify the names of the three highest persons on the eligibility list for consideration to the appointing authority for that job class and who is willing to accept employment. If there is no appropriate eligible list for the class, the commission must certify the names of the three persons standing highest on the list held appropriate for the job class.

**Summary of Bill:**

The bill increases the number of persons on an eligibility list authorized to fill a vacant position in a county sheriff's office.

In all instances when a vacancy occurs, the commission must supply the names of the five (instead of the three) persons highest on the eligibility list for consideration to the appointing authority for that job class.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Sheriff offices in rural counties are having a hard time filling vacancies. When someone retires or moves to another area for higher pay, then a county sheriff's office can only utilize the hiring list with the top three people eligible be to hired. This bill expands the list to include the top five people that have taken the exam and are certified. This bill will not only expand the hiring pool for sheriff offices, but will also create parity with municipal police officers and fire departments who have operated under a "rule of five" since 1937.

The current statutes have been the subject of numerous lawsuits and the courts have affirmed that the top five is a reasonable number for a hiring list. In addition, current law surrounding the top three has been a problem as it relates to succession planning and recruitment. This bill will put counties on par with what cities have done for years and will help sheriff departments select the best people they can to represent law enforcement.

(Opposed) None.

**Persons Testifying:** Representative Mosbrucker, prime sponsor; Timothy Grisham, Washington Association of County Officials; and John Snaza, Thurston County Sheriff's Office.

**Persons Signed In To Testify But Not Testifying:** None.